

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 17

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENTS FOR COMMERCIAL DRIVERS; AMENDING SECTION 49-105, IDAHO CODE, TO ADD A DEFINITION FOR A COMMERCIAL DRIVER'S LICENSE DOWNGRADE AS IT PERTAINS TO A DRIVER'S MEDICAL STATUS; AMENDING SECTION 49-301, IDAHO CODE, TO REQUIRE COMMERCIAL DRIVERS TO HAVE A CURRENT AND VALID MEDICAL EXAMINER'S CERTIFICATE ON FILE WHILE OPERATING IN A "NON-EXCEPTED" STATUS AND TO HAVE, WHEN REQUIRED, A CURRENT VALID MEDICAL EXEMPTION LETTER OR SKILLS PERFORMANCE EVALUATION CERTIFICATE IN THE COMMERCIAL DRIVER'S PHYSICAL POSSESSION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-306, IDAHO CODE, TO REQUIRE COMMERCIAL DRIVERS TO CERTIFY THE CATEGORY OF COMMERCE IN WHICH THEY WILL BE OPERATING; AMENDING SECTION 49-317, IDAHO CODE, TO ALLOW DRIVER'S LICENSES TO BE RESTRICTED BASED ON NON-AUTHORIZED SPECIAL MECHANICAL CONTROL DEVICES OR FOR MEDICAL VARIANCES; AMENDING SECTION 49-321, IDAHO CODE, TO REQUIRE THE DEPARTMENT TO MAINTAIN ON FILE FOR THREE YEARS AFTER ISSUANCE OF ALL MEDICAL EXAMINER'S CERTIFICATES MEDICAL EXEMPTION LETTERS AND SKILL PERFORMANCE EVALUATION CERTIFICATES PROVIDED BY COMMERCIAL DRIVERS OR APPLICANTS FOR DRIVER INSTRUCTION PERMITS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-322, IDAHO CODE, TO REQUIRE THE DEPARTMENT TO DOWNGRADE THE COMMERCIAL DRIVING PRIVILEGES OF DRIVERS WHO FAIL TO MAINTAIN THE REQUIRED MEDICAL EXAMINER'S CERTIFICATES, MEDICAL EXEMPTION LETTERS OR SKILL PERFORMANCE EVALUATION CERTIFICATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-105, Idaho Code, be, and the same is hereby amended to read as follows:

49-105. DEFINITIONS -- D. (1) "Dealer" means every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used neighborhood electric vehicles, new or used motorcycles, motor-driven cycles, snow machines or motorbikes, travel trailers, truck campers, all-terrain vehicles, utility type vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles. No insurance company, bank, finance company, public utilities company, or other person coming into possession of any vehicle, as an incident to its regular business, who shall sell that vehicle under any contractual rights it may have, shall be considered a dealer. See also "salvage pool," section 49-120, Idaho Code.

1 (2) "Dealer's selling agreement." (See "Franchise," section 49-107,
2 Idaho Code)

3 (3) "Department" means the Idaho transportation department acting di-
4 rectly or through its duly authorized officers and agents, except in chap-
5 ters 6 and 9, title 49, Idaho Code, where the term means the Idaho state po-
6 lice, except as otherwise specifically provided.

7 (4) "Designated family member" means the spouse, child, grandchild,
8 parent, brother or sister of the owner of a vehicle dealership who, in the
9 event of the owner's death, is entitled to inherit the ownership interest in
10 the dealership under the same terms of the owner's will, or who has been nom-
11 inated in any other written instrument, or who, in the case of an incapaciti-
12 tated owner of a dealership, has been appointed by a court as the legal repre-
13 sentative of the dealer's property.

14 (5) "Director" means the director of the Idaho transportation depart-
15 ment, except in chapters 6, 9 and 22, title 49, Idaho Code, where the term
16 means the director of the Idaho state police.

17 (6) "Disclose" means to engage in any practice or conduct to make avail-
18 able and make known personal information contained in records of the depart-
19 ment about a person to any other person, organization or entity, by any means
20 of communication.

21 (7) "Disqualification" as defined in 49 CFR part 383, means withdrawal
22 by the department of commercial vehicle driving privileges.

23 (8) "Distributor" means any person, firm, association, corporation or
24 trust, resident or nonresident, who has a franchise from a manufacturer of
25 vehicles to distribute vehicles in this state, and who in whole or in part
26 sells or distributes new vehicles to dealers or who maintains distributor
27 representatives.

28 (9) "Distributor branch" means a branch office similarly maintained by
29 a distributor for the same purposes a factory branch is maintained.

30 (10) "Distributor representative" means any person, firm, association,
31 corporation or trust, and each officer and employee thereof engaged as a rep-
32 resentative of a distributor or distributor branch of vehicles for the pur-
33 pose of making or promoting the sale of vehicles, or for supervising or con-
34 tacting dealers or prospective dealers.

35 (11) "District" means:

36 (a) Business district. The territory contiguous to and including a
37 highway when within any six hundred (600) feet along the highway there
38 are buildings in use for business or industrial purposes, including ho-
39 tels, banks or office buildings, railroad stations and public buildings
40 which occupy at least three hundred (300) feet of frontage on one side or
41 three hundred (300) feet collectively on both sides of the highway.

42 (b) Residential district. The territory contiguous to and including
43 a highway not comprising a business district when the property on the
44 highway for a distance of three hundred (300) feet or more is in the main
45 improved with residences, or residences and buildings in use for busi-
46 ness.

47 (c) Urban district. The territory contiguous to and including any
48 highway which is built up with structures devoted to business, industry
49 or dwelling houses. For purposes of establishing speed limits in accor-
50 dance with the provisions of section 49-654, Idaho Code, no state high-

way or any portion thereof lying within the boundaries of an urban district is subject to the limitations which otherwise apply to nonstate highways within an urban district. Provided, this subsection shall not limit the authority of the duly elected officials of an incorporated city acting as a local authority to decrease speed limits on state highways passing through any district within the incorporated city.

(12) "Documented vessel" means a vessel having a valid marine document as a vessel of the United States.

(13) "Downgrade" as it pertains to commercial drivers licensing shall mean either:

(a) The driver has changed his or her medical requirement self-certification to interstate but operates exclusively in transportation or operations excepted from part 391 of the federal motor carrier safety regulations; or

(b) The driver has changed his or her medical requirement self-certification to intrastate and operates exclusively in transportation or operations as listed in section 67-2901B(2), Idaho Code; or

(c) The driver no longer has commercial motor vehicle driving privileges, but has retained privileges to drive noncommercial motor vehicles.

(14) "Drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other, or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of the vehicles within a certain distance or time limit.

(145) "Driver" means every person who drives or is in actual physical control of a vehicle.

(156) "Driver's license" means a license or permit issued by the department or by any other jurisdiction to an individual which authorizes the individual to operate a motor vehicle or commercial motor vehicle on the highways in accordance with the requirements of title 49, Idaho Code.

(167) "Driver's license -- Classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load and mean:

(a) Class A. This license shall be issued and valid for the operation of any combination of motor vehicles with a manufacturer's gross combination weight rating (GCWR) in excess of twenty-six thousand (26,000) pounds, provided the manufacturer's gross vehicle weight rating (GVWR) of the vehicle(s) being towed is in excess of ten thousand (10,000) pounds. Persons holding a valid class A license may also operate vehicles requiring a class B, C or D license.

(b) Class B. This license shall be issued and valid for the operation of any single vehicle with a manufacturer's gross vehicle weight rating (GVWR) in excess of twenty-six thousand (26,000) pounds, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds manufacturer's gross vehicle weight rating (GVWR). Persons holding a valid class B license may also operate vehicles requiring a class C license or a class D license.

(c) Class C. This license shall be issued and valid for the operation of any single vehicle or combination of vehicles that does not meet the

definition of class A or class B, as defined in this section, but that either is designed to transport sixteen (16) or more people including the driver, or is of any size which does not meet the definition of class A or class B and is used in the transportation of materials found to be hazardous according to the hazardous material transportation act and which requires the motor vehicle to be placarded under the federal hazardous materials regulations 49 CFR part 172, subpart F. Persons holding a valid class C license may also operate vehicles requiring a class D license.

(d) Class D. This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in section 49-123, Idaho Code.

(e) "Seasonal driver's license" means a special restricted class B or C driver's license to operate certain commercial vehicles in farm-related industries under restrictions imposed by the department. As used in this definition, "farm-related industry" shall mean custom harvesters, farm retail outlets and suppliers, agri-chemical businesses and livestock feeders. Seasonal driver's licenses are not valid for driving vehicles carrying any quantities of hazardous material requiring placarding, except for diesel fuel in quantities of one thousand (1,000) gallons or less, liquid fertilizers, i.e., plant nutrients, in vehicles or implements of husbandry with total capacities of three thousand (3,000) gallons or less, and solid fertilizers, i.e., solid plant nutrients, that are not mixed with any organic substance.

(178) "Driver record" means any record that pertains to an individual's driver's license, driving permit, driving privileges, driving history, identification documents or other similar credentials issued by the department.

(189) "Driver's license endorsements" means special authorizations that are required to be displayed on a driver's license which permit the driver to operate certain types of commercial vehicles or commercial vehicles hauling certain types of cargo, or to operate a motorcycle or a school bus.

(a) "Endorsement T -- Double/Triple trailer" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle authorized to tow more than one (1) trailer.

(b) "Endorsement H -- Hazardous material" means this endorsement is required on a class A, B or C license if the driver is operating a vehicle used in the transportation of materials found to be hazardous according to the hazardous material transportation act and which requires the motor vehicle to be placarded under the federal hazardous materials regulations 49 CFR part 172, subpart F.

(c) "Endorsement P -- Passenger" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle designed to transport sixteen (16) or more people including the driver.

(d) "Endorsement N -- Tank vehicle" means this endorsement is required on a class A, B or C license to permit the licensee to operate a vehicle which is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle. Such vehicles include, but are not limited to, cargo tanks and portable

tanks, as defined in federal regulations 49 CFR part 171. This definition does not include portable tanks having a rated capacity under one thousand (1,000) gallons.

(e) "Endorsement M -- Motorcycle" means this endorsement is required on a driver's license to permit the driver to operate a motorcycle or motor-driven cycle.

(f) "Endorsement S -- School bus" means this endorsement is required on a class A, B or C license to permit the licensee to operate a school bus in accordance with 49 CFR part 383, to transport preprimary, primary or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier.

~~(1920)~~ "Driveway" means a private road giving access from a public way to a building on abutting grounds.

~~(201)~~ "Dromedary tractor" means every motor vehicle designed and used primarily for drawing a semitrailer and so constructed as to carry manifested cargo in addition to a part of the weight of the semitrailer.

SECTION 2. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DRIVERS TO BE LICENSED. (1) No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a current and valid Idaho driver's license. Provided however, that those persons holding a restricted school attendance driving permit may drive upon a highway pursuant to the restrictions set forth in section 49-307A, Idaho Code.

(2) No person shall operate a motorcycle upon a highway unless he has a motorcycle endorsement on his valid driver's license.

(3) No person shall operate a motor vehicle in violation of any valid restriction identified on, or attached to, his valid driver's license.

(4) No person shall receive a class D driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction for use within the United States, or any identification cards issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess a driver's license or any identification cards.

(5) No person shall be permitted to have more than one (1) driver's license issued for use within the United States at any time.

(6) No person shall operate a commercial motor vehicle as defined in section 49-123, Idaho Code, upon a highway:

(a) Without obtaining a commercial driver's license.

(b) Without having the appropriate class A, B or C commercial driver's license in the operator's possession.

(c) Without the proper license class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported.

(d) Unless the operator has a seasonal or class A, B or C driver's license with required endorsements in his possession.

(e) Without having a current and valid medical examiner's certificate on file with the department while operating in a "non-excepted" status

as required by the federal motor carrier safety administration. Medical examiner's certificates submitted for filing must be legible and shall be submitted in a manner acceptable to the department. If the federal motor carrier safety administration has issued a medical exemption letter or skill performance evaluation certificate, the driver must have the current and valid documentation in physical possession and available upon request to a duly authorized federal, state or local enforcement official.

(7) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho. In accordance with the federal motor carrier safety regulations, no person shall receive a class A, B or C driver's license unless and until he surrenders to the department all driver's licenses in his possession issued to him by Idaho or any other jurisdiction.

(8) Except as provided in section 49-304, Idaho Code, a violation of this section is a misdemeanor.

SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

(a) Class A, B, C (4-year) license with endorsements --	
age 21 years and older	\$40.00
(b) Class A, B, C (3-year) license with endorsements --	
age 18 to 21 years	\$30.00
(c) Class A, B, C (1-year) license with endorsements --	
age 20 years	\$15.00
(d) Class D (3-year) license -- under age 18 years	\$25.00
(e) Class D (3-year) license -- age 18 to 21 years	\$25.00
(f) Class D (1-year) license -- age 17 years or age 20 years	\$15.00
(g) Four-year Class D license -- age 21 years and older	\$30.00
(h) Eight-year Class D license -- age 21 to 63 years	\$55.00
(i) Class A, B, C instruction permit	\$29.00
(j) Class D instruction permit or supervised instruction permit	
.....	\$15.00
(k) Duplicate driver's license or permit issued under	
section 49-318, Idaho Code	\$15.00
(l) Driver's license extension issued under section	
49-319, Idaho Code	\$10.00
(m) License classification change (upgrade)	\$25.00
(n) Endorsement addition	\$15.00
(o) Class A, B, C skills tests not more than	\$70.00

- (p) Class D skills test \$24.00
- (q) Motorcycle endorsement skills test \$10.00
- (r) Knowledge test \$ 3.00
- (s) Seasonal driver's license \$39.00
- (t) One time motorcycle "M" endorsement \$15.00
- (u) Motorcycle endorsement instruction permit \$15.00
- (v) Restricted driving permit or restricted school attendance
driving permit \$60.00

(2) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant may state, in his or her application pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her Idaho residence address and mailing address.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

- (i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and
- (ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and
- (iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

(c) Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and under which of the following driving categories the applicant will operate:

- (i) Non-excepted Interstate. The applicant operates or expects to operate in interstate commerce, and is required to provide a medical examiner's certificate;
- (ii) Excepted Interstate. The applicant operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted by the federal motor carrier safety administration from all or parts of the qualification requirements of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate;
- (iii) Non-excepted Intrastate. The applicant operates only in intrastate commerce and is subject to and meets all Idaho driver qualification requirements and the applicable parts of federal

motor carrier safety regulation 49, part 391, and is required to provide a medical examiner's certificate; or
 (iv) Excepted Intrastate. The applicant operates in intrastate commerce, but engages exclusively in exempted transportation or operations as listed in section 67-2901B(2), Idaho Code, and the applicable parts of federal motor carrier safety regulation 49, part 391, and is therefore not required to provide a medical examiner's certificate.

All applications shall also state whether the applicant has previously been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

The applicant must submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate. When a certified copy of his birth certificate or a delayed birth certificate is impossible to obtain from a vital statistics agency, another government issued document may be submitted that provides satisfactory evidence of a person's full legal name and date of birth acceptable to the examiner or the department.

(ed) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(4) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(5) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license to ensure identification of the person and to obtain clearance to issue the license.

(6) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and addi-

1 tional endorsement, and ten dollars (\$10.00) from each eight-year class
2 D driver's license, in the current expense fund; and

3 (b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle
4 endorsement and motorcycle endorsement instruction permit fee in the
5 current expense fund; and

6 (c) Deposit an amount equal to three dollars (\$3.00) from each fee for a
7 knowledge test in the current expense fund; and

8 (d) Deposit an amount equal to ten dollars (\$10.00) from each fee for
9 a motorcycle endorsement skills test in the current expense fund; pro-
10 vided however, if a contractor administers the skills test he shall be
11 entitled to the ten dollar (\$10.00) fee; and

12 (e) Remit the remainder to the state treasurer; and

13 (f) Deposit seventeen dollars and fifty cents (\$17.50) from each fee
14 for a class D skills test into the county current expense fund, unless
15 the test is administered by a department-approved contractor, in which
16 case the contractor shall be entitled to seventeen dollars and fifty
17 cents (\$17.50) of each fee.

18 (7) When the fees required under this section are collected by a state
19 officer or agency, they shall be paid over to the state treasurer.

20 (8) The state treasurer shall distribute the moneys received from fees
21 imposed by the provisions of this section, whether collected by a county of-
22 ficer or by a state officer or agency as follows:

23 (a) Two dollars (\$2.00) of each fee for a four-year driver's license
24 or seasonal driver's license, and four dollars (\$4.00) of each fee for
25 an eight-year class D driver's license, and one dollar and fifty cents
26 (\$1.50) of each fee charged for driver's licenses pursuant to subsec-
27 tions (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each
28 fee charged for driver's licenses pursuant to subsections (1) (c) and
29 (f) of this section, shall be deposited in the emergency medical ser-
30 vices fund II created in section 56-1018A, Idaho Code, and four dollars
31 (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s)
32 of this section and eight dollars (\$8.00) of each fee charged pursuant
33 to subsection (1) (h) of this section and three dollars (\$3.00) of each
34 fee for driver's licenses pursuant to subsections (1) (b), (d) and (e)
35 of this section, and one dollar (\$1.00) of each fee charged for driver's
36 licenses pursuant to subsections (1) (c) and (f) of this section shall be
37 deposited in the emergency medical services fund III created in section
38 56-1018B, Idaho Code; and

39 (b) Twenty-eight dollars (\$28.00) of each fee for a seasonal or class A,
40 B or C driver's license, and nineteen dollars and fifty cents (\$19.50)
41 of each fee charged for a license pursuant to subsection (1) (b) of this
42 section, and eight dollars and sixteen cents (\$8.16) of each fee charged
43 for a license pursuant to subsection (1) (c) of this section shall be de-
44 posited in the state highway account; and

45 (c) Twenty dollars (\$20.00) of each fee for a class A, B or C instruction
46 permit or driver's license classification change shall be deposited in
47 the state highway account; and

48 (d) Four dollars (\$4.00) of each fee for a class A, B or C instruction
49 permit shall be deposited in the emergency medical services fund III
50 created in section 56-1018B, Idaho Code; and

1 (e) Ten dollars (\$10.00) of each fee for a duplicate seasonal or class
2 A, B or C driver's license, class A, B or C driver's license extension,
3 or additional endorsement shall be deposited in the state highway ac-
4 count; and

5 (f) Seven dollars and fifty cents (\$7.50) of each fee for a motorcycle
6 endorsement and motorcycle endorsement instruction permit shall be de-
7 posited in the state highway account; and

8 (g) Five dollars and thirty cents (\$5.30) of each fee for a four-year
9 class D driver's license, and ten dollars and sixty cents (\$10.60) of
10 each fee for an eight-year class D driver's license, and four dollars
11 (\$4.00) of each fee charged for a license pursuant to subsections (1) (d)
12 and (e) of this section, and one dollar and thirty-three cents (\$1.33)
13 of each fee charged for a license pursuant to subsection (1) (f) of this
14 section shall be deposited in the driver training fund; and

15 (h) Twelve dollars and seventy cents (\$12.70) of each fee for a
16 four-year class D driver's license, and twenty dollars and forty cents
17 (\$20.40) of each fee for an eight-year class D driver's license, and ten
18 dollars and fifty cents (\$10.50) of each fee charged for a license pur-
19 suant to subsections (1) (d) and (e) of this section, and six dollars and
20 eighty-three cents (\$6.83) of each fee charged for a license pursuant
21 to subsection (1) (f) of this section shall be deposited in the highway
22 distribution fund; and

23 (i) Two dollars and sixty cents (\$2.60) of each fee for a class D in-
24 struction permit, duplicate class D license or permit, and class D li-
25 cense extension shall be deposited in the driver training fund; and

26 (j) Seven dollars and forty cents (\$7.40) of each fee for a class D
27 instruction permit, duplicate class D license or permit, and class D
28 license extension shall be deposited in the highway distribution fund;
29 and

30 (k) Ten dollars (\$10.00) of each fee for a class A, B or C skills test
31 shall be deposited in the state highway account; and

32 (l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D
33 driver's license, and two dollars (\$2.00) of each fee for an eight-year
34 class D driver's license, and one dollar (\$1.00) of each fee charged for
35 a license pursuant to subsections (1) (b), (d) and (e) of this section,
36 and thirty-four cents (34¢) of each fee charged for a license pursuant
37 to subsections (1) (c) and (f) of this section shall be deposited in the
38 motorcycle safety program fund established in section 33-4904, Idaho
39 Code; and

40 (m) Six dollars and fifty cents (\$6.50) of each fee for a class D skills
41 test shall be deposited into the state highway account.

42 (9) The contractor administering a class A, B or C skills test shall be
43 entitled to not more than sixty dollars (\$60.00) of the skills test fee. A
44 contractor administering a class A, B or C skills test may collect an addi-
45 tional fee for the use of the contractor's vehicle for the skills test.

46 (10) Sixty dollars (\$60.00) of each restricted driving permit and each
47 restricted school attendance driving permit shall be deposited in the state
48 highway account.

1 (11) The department may issue seasonal class B or C driver's licenses to
 2 drivers who are employees of agri-chemical businesses, custom harvesters,
 3 farm retail outlets and suppliers, and livestock feeders that:

4 (a) Will only be valid for driving commercial vehicles that normally
 5 require class B or C commercial driver's licenses;

6 (b) Will be valid for seasonal periods that begin on the date of is-
 7 suance and that are not to exceed one hundred eighty (180) days in a
 8 twelve (12) month period;

9 (c) May only be obtained twice in a driver's lifetime;

10 (d) Are valid only within a one hundred fifty (150) mile radius of the
 11 place of business or farm being serviced; and

12 (e) Will be valid only in conjunction with valid Idaho class D driver's
 13 licenses.

14 (12) The department may issue seasonal class B or C driver's licenses to
 15 drivers who:

16 (a) Have not violated the single license provisions of applicable fed-
 17 eral regulations;

18 (b) Have not had any license suspensions, revocations or cancella-
 19 tions;

20 (c) Have not had any convictions in any vehicle for any offense listed
 21 in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic
 22 offense;

23 (d) Have at least one (1) year of driving experience with a class D or
 24 equivalent license in any type motor vehicle; and

25 (e) Are at least sixteen (16) years old.

26 SECTION 4. That Section 49-317, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 49-317. RESTRICTED DRIVER'S LICENSES. (1) The department, upon issu-
 29 ing a driver's license, shall have authority whenever good cause appears to
 30 impose restrictions suitable to the licensee's driving ability with respect
 31 to:

32 (a) Tthe type of or special mechanical control devices required or not
 33 permitted on a motor vehicle which the licensee may operate; 7;

34 (b) Medical variances as determined by the federal motor carrier safety
 35 administration; or

36 (c) Oether restrictions applicable to the licensee as the department
 37 may determine to be appropriate to assure the safe operation of a motor
 38 vehicle by the licensee.

39 (2) The department may either issue a special restricted driver's li-
 40 cense or may set forth restrictions upon the usual driver's license form.

41 (3) The department shall, upon receiving satisfactory evidence of any
 42 violation of the restrictions of a driver's license, suspend the driver's
 43 license or privileges for a period of thirty (30) days but the licensee shall
 44 be entitled to a hearing as provided in section 49-326, Idaho Code.

45 SECTION 5. That Section 49-321, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 49-321. RECORDS TO BE KEPT BY THE DEPARTMENT. (1) The department shall
 2 file every application for a driver's license received by it and shall main-
 3 tain suitable indices containing:

4 (a) All applications denied and on each note the reason for denial;

5 (b) All applications granted;

6 (c) The name of every licensee whose driver's license has been sus-
 7 pended, revoked, canceled, denied or disqualified by the department and
 8 after each name note the reasons for the action;

9 (d) The driver's license number for the applicant; and

10 (e) The social security number of the applicant.

11 (2) The department shall file the original or copy of the medical exam-
 12 iner's certificates, medical exemption letters and skill performance evalu-
 13 ation certificates of all commercial driver's license or instruction permit
 14 holders required to provide documentation of their physical qualification.
 15 The department shall maintain the document(s) for a period of three (3) years
 16 beyond the date the certificate or document was issued.

17 (3) The department shall also file all accident reports and abstracts
 18 of court records of convictions received by it under the law from any juris-
 19 diction, and is authorized to forward records of convictions, suspensions
 20 or disqualifications to any jurisdiction. Records may be in either paper or
 21 electronic form. The department shall maintain convenient records or make
 22 suitable notations in order that an individual record of each licensee show-
 23 ing the convictions and the traffic accidents in which the licensee has been
 24 involved shall be readily ascertainable and available for consideration of
 25 the department upon any application for renewal of a driver's license and at
 26 other suitable times.

27 (34) The department of health and welfare, on or about the 25th day of
 28 each month shall, upon the request of the department, furnish the department
 29 a listing showing the name, age, county of residence, and residence address
 30 of each Idaho resident who has died during the preceding month. The listing
 31 shall be used only for purposes of updating the driver's license files of the
 32 department and shall be subject to disclosure according to chapter 3, title
 33 9, Idaho Code.

34 SECTION 6. That Section 49-322, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 49-322. AUTHORITY OF DEPARTMENT TO CANCEL DRIVER'S LICENSE OR IN-
 37 STRUCTION PERMIT. (1) The department shall cancel any driver's license,
 38 restricted school attendance driving permit, or instruction permit upon de-
 39 termining that the licensee or permittee was not entitled to the issuance of
 40 the driver's license or instruction permit, or that the licensee or permit-
 41 tee failed to give the required or correct information in his application, or
 42 committed fraud in making the application.

43 (2) Upon a cancellation, the licensee or permittee shall surrender the
 44 canceled driver's license or canceled instruction permit to the department.

45 (3) The department shall cancel a person's commercial driver's license
 46 upon determining that the class A, B, or C licensee has falsified informa-
 47 tion. Upon cancellation of a class A, B, or C driver's license, the licensee
 48 shall be disqualified from operating a commercial motor vehicle for a period
 49 of sixty (60) days.

(4) The department shall decertify the medical status and initiate a downgrade of any driver who is required by the federal motor carrier safety administration to maintain a medical examiner's certificate and/or medical exemption letter or skill performance evaluation certificate upon determining the person's medical certification has expired or has been revoked or canceled. The department shall change the person's driving status in the driver record to "not-certified," within ten (10) days and shall mail a notification letter regarding the pending decertification and downgrade action to the driver's last known address. The downgrade action shall occur no more than sixty (60) days from the date the "not-certified" status is posted to the record. Drivers can remove the "not-certified" medical status from their driving record by presenting a current and valid medical examiner's certificate and/or medical exemption letter or skill performance evaluation certificate to the department or by submitting an application to the department requesting their medical status be changed to "Excepted."

(5) When a driver's license has been canceled for reasons of impairment, incompetence or inability of the licensed driver to operate a motor vehicle safely as provided in section 49-303 or 49-326, Idaho Code, and the licensee has voluntarily surrendered his driver's license, or when a licensed driver requests cancellation of his license for any of the same reasons stated in this subsection and he voluntarily surrenders his license, the licensee may be eligible for a no-fee identification card as provided in section 49-2444, Idaho Code.

SECTION 7. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card ~~which that~~ shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, and shall be issued a distinguishing number assigned to the applicant. If an applicant has submitted an application pursuant to the provisions of chapter 58, title 19, Idaho Code, then the applicant's identification card shall contain his or her alternative Idaho mailing address in place of his or her Idaho residence address. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant which shall be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the re-

1 quest of the applicant, an identification card may contain a statement or in-
2 dication of the medical condition of the applicant.

3 No person shall receive an identification card unless and until he sur-
4 renders to the department all identification cards in his possession issued
5 to him by Idaho or any other jurisdiction, or any driver's license issued by
6 any other jurisdiction within the United States, or until he executes an af-
7 fidavit that he does not possess an identification card or any driver's li-
8 cense.

9 Identification cards issued to persons under eighteen (18) years of age
10 shall include a notation "under 18 until (month, day, year)," and identifi-
11 cation cards issued to persons eighteen (18) years of age to twenty-one (21)
12 years of age shall include a notation "under 21 until (month, day, year)."
13 The nonrefundable fee for a four-year identification card issued to persons
14 twenty-one (21) years of age or older shall be ten dollars (\$10.00) of which
15 five dollars (\$5.00) shall be retained by the county and credited to the cur-
16 rent expense fund, and five dollars (\$5.00) shall be deposited in the state
17 treasury to the credit of the highway distribution account. The nonrefund-
18 able fee for identification cards issued to persons under twenty-one (21)
19 years of age shall be ten dollars (\$10.00), of which five dollars (\$5.00)
20 shall be retained by the county and credited to the current expense fund, and
21 five dollars (\$5.00) shall be deposited in the state treasury to the credit
22 of the highway distribution account. The nonrefundable fee for an eight-
23 year identification card shall be twenty dollars (\$20.00) of which ten dol-
24 lars (\$10.00) shall be retained by the county and credited to the current ex-
25 pense fund, and ten dollars (\$10.00) shall be deposited in the state treasury
26 to the credit of the highway distribution account. At the option of the ap-
27 plicant, the identification card issued to a person twenty-one (21) years of
28 age or older shall expire either on the cardholder's birthday in the fourth
29 year or the eighth year following issuance of the card, except as otherwise
30 provided in subsection (3) of this section. Every identification card is-
31 sued to a person under eighteen (18) years of age shall expire five (5) days
32 after the person's eighteenth birthday, except as otherwise provided in sub-
33 section (3) of this section. Every identification card issued to a person
34 eighteen (18) years of age but under twenty-one (21) years of age shall ex-
35 pire five (5) days after the person's twenty-first birthday, except as oth-
36 erwise provided in subsection (3) of this section.

37 Individuals required to register in compliance with section 3 of the
38 federal military selective service act, 50 U.S.C. App. 451 et seq., as
39 amended, shall be provided an opportunity to fulfill such registration re-
40 quirements in conjunction with an application for an identification card.
41 Any registration information so supplied shall be transmitted by the depart-
42 ment to the selective service system.

43 (2) Every identification card, except those issued to persons under
44 twenty-one (21) years of age, shall be renewable on or before its expiration,
45 but not more than twelve (12) months before, and upon application and payment
46 of the required fee.

47 (3) Every identification card issued to a person who is not a citizen or
48 permanent legal resident of the United States shall have an expiration date
49 that is the same date as the end of lawful stay in the United States as indi-
50 cated on documents issued and verified by the department of homeland secu-

1 rity, provided however, that the expiration date shall not extend beyond the
2 expiration date for the same category of identification card issued to citi-
3 zens. Persons whose department of homeland security documents do not state
4 an expiration date shall be issued an identification card with an expiration
5 date of one (1) year from the date of issuance.

6 (4) When an identification card has been expired for less than twelve
7 (12) months, the renewal of the identification card shall start from the
8 original date of expiration regardless of the year in which the application
9 for renewal is made. If the identification card is expired for more than
10 twelve (12) months, the application shall expire, at the option of the ap-
11 plicant, on the applicant's birthday in the fourth year or the eighth year
12 following reissuance of the identification card, except as otherwise pro-
13 vided in subsection (3) of this section.

14 (5) A person possessing an identification card who desires to donate
15 any or all organs or tissue in the event of death, and who has completed a
16 document of gift pursuant to the provisions for donation of anatomical gifts
17 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
18 donor, indicate this desire on the identification card by the imprinting of
19 the word "donor" on the identification card. The provisions of this subsec-
20 tion shall apply to persons possessing an identification card who are six-
21 teen (16) years of age or older but less than eighteen (18) years of age if
22 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
23 plied with.

24 (6) A person possessing an identification card or an applicant for an
25 identification card who is a person with a permanent disability may request
26 that the notation "permanently disabled" be imprinted on the identification
27 card, provided the person presents written certification from a licensed
28 physician verifying that the person's stated impairment qualifies as a per-
29 manent disability according to the provisions of section 49-117, Idaho Code.

30 (7) In the case of a name change, the applicant shall provide legal doc-
31 umentation to verify the change in accordance with department rules.

32 (8) Whenever any person, after applying for or receiving an identifi-
33 cation card, shall move from the address shown on the application or on the
34 identification card issued, that person shall, within thirty (30) days, no-
35 tify the transportation department in writing of the old and new addresses.

36 (9) The department shall cancel any identification card upon determin-
37 ing that the person was not entitled to the issuance of the identification
38 card, or that the person failed to give the required and correct information
39 in his application or committed fraud in making the application. Upon can-
40 cellation, the person shall surrender the canceled identification card to
41 the department.

42 (10) If any person shall fail to return to the department the identifi-
43 cation card as required, the department may direct any peace officer to se-
44 cure its possession and return the identification card to the department.

45 (11) The department may issue a no-fee identification card to an indi-
46 vidual whose driver's license has been canceled and voluntarily surrendered
47 as provided in section 49-322(45), Idaho Code. The identification card may
48 be renewed at no cost to the applicant as long as the driver's license remains
49 canceled.

1 (12) It is an infraction for any person to fail to notify the department
2 of a change of address as required by the provisions of subsection (8) of this
3 section.

4 SECTION 8. This act shall be in full force and effect on and after Jan-
5 uary 30, 2012.